

Notice of Allowability

Application No.

09/722,742

Applicant(s)

HENDRICKS, JOHN S.

Examiner

Yemane M. Gerezgiher

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/07/2005.
2. ☒ The allowed claim(s) is/are 1-9, 11-20 and 22-29 (renumbered as 1-27).
3. ☒ The drawings filed on 11/28/2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

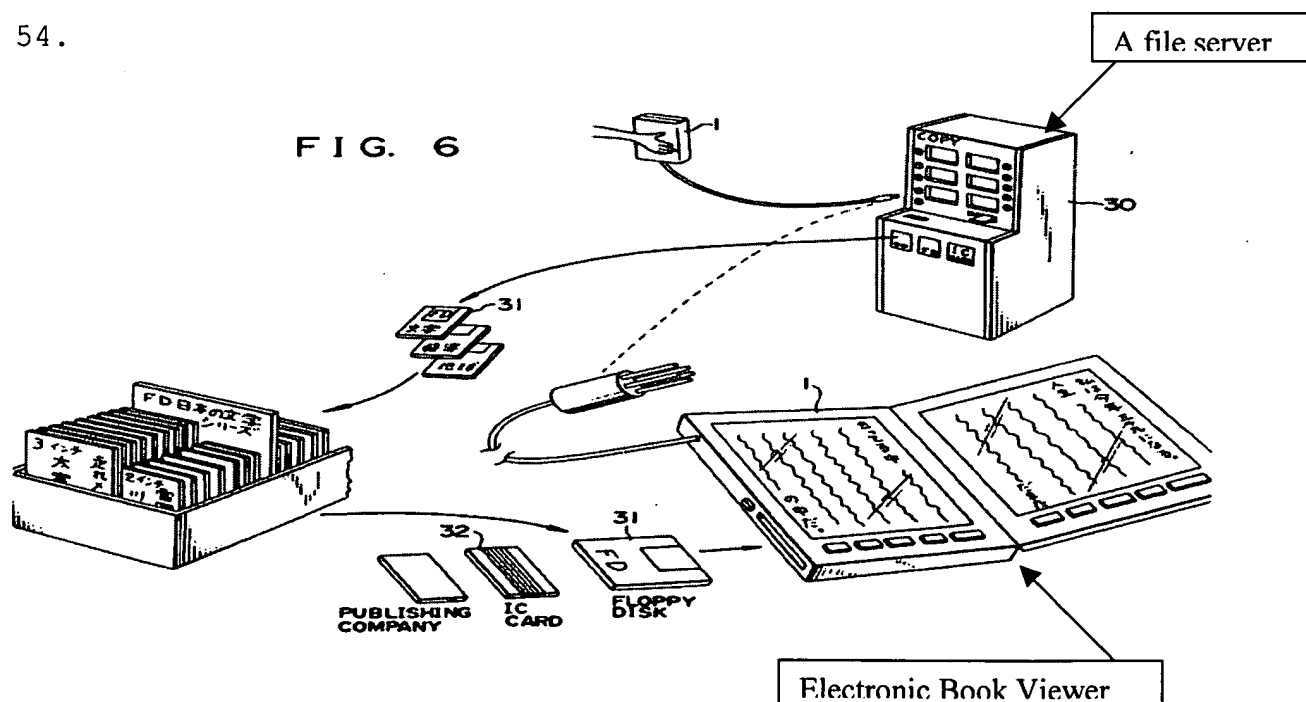
MARC D. THOMPSON
MARC THOMPSON
PRIMARY EXAMINER

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Allowable Subject Matter

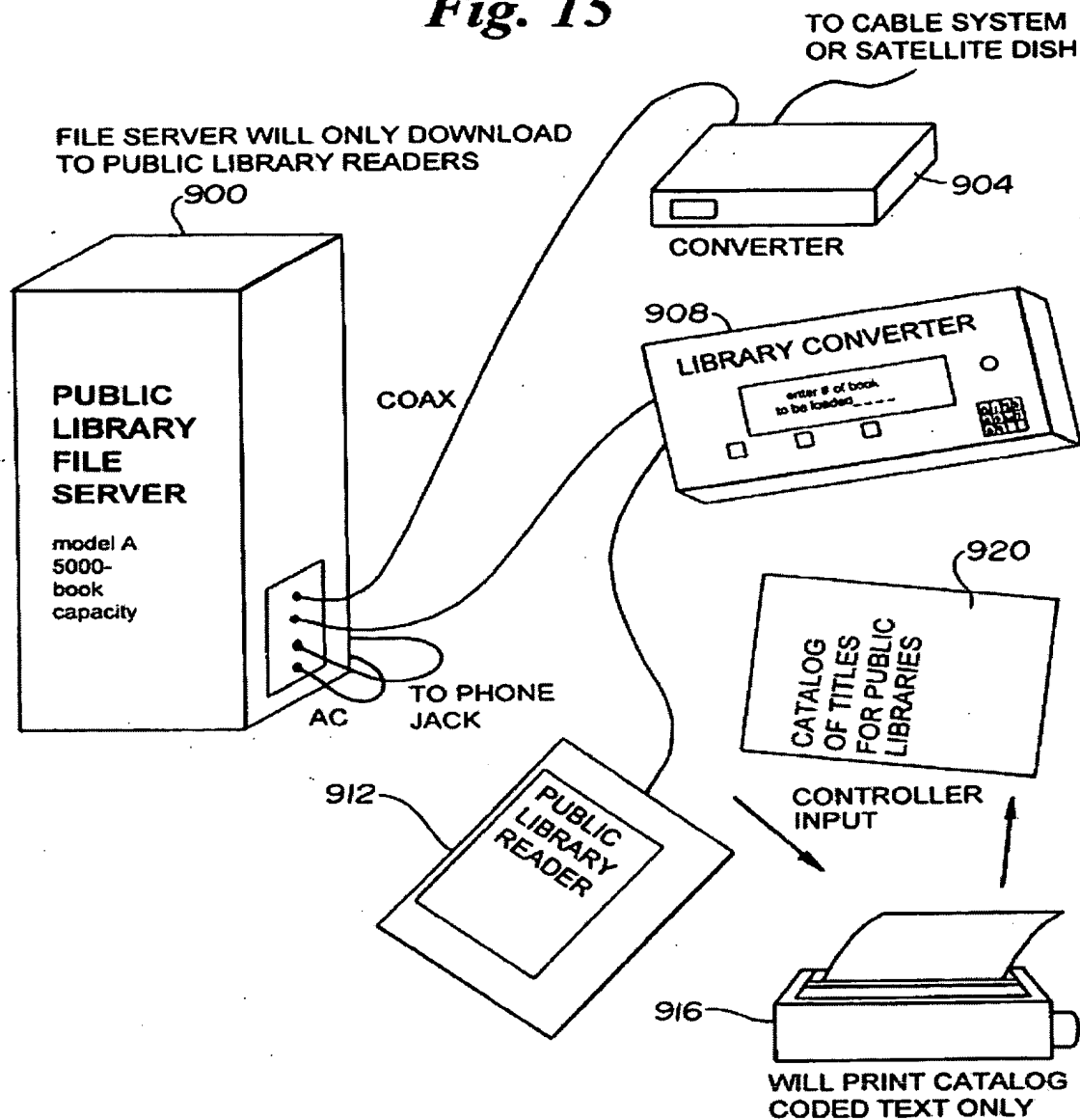
1. Claims 1-9, 11-20, and 22-29 (renumbered 1-27) are allowed.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record issued to Tschiya (U.S. Patent Number 5,239,665) disclosed a method of transmitting electronic books from a server ("file server") containing electronic books to an electronic book ("viewer") via telephone line, using RF (radio frequency) and through the means of removable memory medium. The viewer optionally downloads the electronic book at its internal memory medium and further displays the content pages of the downloaded electronic book via the user interface (display window). See Figure 6 (also disclosed below), Column 6, Lines 7-16 and Column 6, Lines 45-54.



However, prior to 11/18/1994, none of the prior art of record taken singularly or in combination teaches or suggests a method or system of accessing an electronic book from a file server **in combination with the functional limitation** having therein a means for determining the number downloaded/stored electronic books at viewer ("public library reader" See Fig. 15 also disclosed below) and if the number of downloaded/stored electronic books is over a predetermined limit, preventing the viewer from downloading additional electronic books from the server. The structural functionality of this limitation make use of a controller device ("library converter" See Fig. 15 Reference # 908) connected to the file server ("public library file server" See Fig. 15 Reference # 900) and the viewer device, the controller device having therein an input unit for entering the limit of electronic books to be downloaded/stored in to the memory of only authorized viewer devices to download the electronic books from the file server. This functionality is supported by the specification. See Fig. 11, Fig. 15 (also disclosed below), Page 17 Lines 14-21 and Page 23 Line 23 through Page 24 Line 17.

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Fig. 15

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached at (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yemane M. Gerezgiher
Patent Examiner

MARC D. THOMPSON
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PRIMARY EXAMINER